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JAN 16 2003

OFFICE OF PETITIONS

In re Application of :
Tullio Rossini, Franco Folcio and Corrado :
Dotti : DECISION REFUSING STATUS
Application No. 10/059,704 : UNDER 37 CFR 1.47(a)
Filed: January 29, 2002 :
For: CONDUCTIVE COATING
COMPOSITION

This is in response to the "Petition Under 37 CFR 1.47(a)," filed September 25, 2002 (certificate of mailing date: September 19, 2002).

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on January 29, 2002 without an executed oath or declaration and naming Tullio Rossini, Franco Folcio and Corrado Dotti as joint inventors.

Accordingly, on March 19, 2002, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration, and a surcharge for its late filing.

In response, on September 25, 2002, the following papers were submitted:

- The instant petition and petition fee,
- A statement of facts by Linda Lentjes-Sissing,
- A copy of a cover letter sent with the March 21, 2002 mailing,

- Confirmation of receipt of March 21, 2002 mailing,
- Declaration and power of attorney with surcharge for late filing,
- Four (4) month extension of time.

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee; and
- (4) a statement of the last known address of the non-signing inventor.

Applicant lacks item (1), as set forth above.

Applicant appears to demonstrate that the non-signing inventor, Franco Folcio, was only presented with the declaration. Unless Mr. Folcio was presented with a copy of the application papers (including specification, claims and drawings), Mr. Folcio could not attest that he has "reviewed and understands the application papers" and therefore could not sign the declaration which he was given. See Manual of Patent Examining Procedure, Section 409.03(d). Petitioner should show that a copy of the application papers (including specification, claims and drawings) was presented to the inventor, but that he did not respond to, or refused, the request that he sign the oath/declaration in order to show that the inventor has refused to join in the application. The proof of the pertinent events should be made by a statement of someone with first hand knowledge of the events.

Further correspondence with respect to this matter should be addressed as follows:

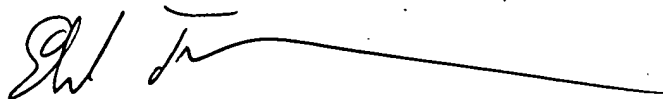
By mail: Assistant Commissioner for Patents
 Box DAC
 Washington, DC 20231

By FAX: (703) 308-6916

Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA

Telephone inquiries related to this decision should be directed to the undersigned at (703) 306-9200.

A handwritten signature in black ink, appearing to read 'E. J. Tannouse', followed by a long horizontal line extending to the right.

Edward J. Tannouse
Senior Petitions Attorney
Office of Petitions
United States Patent and Trademark Office